IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition No. 1332 of 2005

Dr.Lena J.Gajjar ..Petitioner

vs.

1. The State of Maharashtra
and ors. ...Respondents

Mr.Pooniwala i/b M/s Kanga & Co. for petitioner.
Mr.S.K.Nair, A.G.P. for respondent.

CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
4th May, 2005

P.C.

1. Rule. Mr.Nair waives service for respondents.

2. The petitioner undertakes to this court to deposit a sum of Rs.5,61,600/- (Rupees Five lacs, sixty one thousand and six hundred) only calculated at the rate of Rs.200/- per sq.ft. towards the transfer fee within two weeks.

3. Respondent no.3 is directed to register the deeds of transfer submitted by the petitioner in respect of the premises bearing flat No.3A, 3rd floor, Brighton 1 situated at 68-D, Nepean Sea Road, Mumbai 400 006 along with one parking space before 11th May, 2005 subject to payment of stamp duty payable as per law.

4. We, however, clarify that the amount of

transfer charges deposited by the petitioner lis without prejudice to her right and contentions in the writ petition and in the event of the petitioner succeeding in the writ petition, the respondent no.2, namely, the Collector of Mumbai shall refund the said amount along with interest at the rate of 5% p.a.